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**FISCAL IMPACT STATEMENT**

**LS 6709**

**BILL NUMBER:** HB 1504

**NOTE PREPARED:** Jan 9, 2011

**BILL AMENDED:**

**SUBJECT:** Determination of Death.

**FIRST AUTHOR:** Rep. Bacon

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill provides that an anatomical gift may be recovered only after a physician, in accordance with accepted medical standards, has declared the prospective donor to be dead. It provides that a physician's declaration that the prospective donor is brain dead satisfies this requirement.

The bill also requires the Indiana State Department of Health (ISDH) to adopt rules establishing criteria for the determination of when a prospective anatomical gift donor is dead. Additionally, before adopting the mandated rule, the ISDH is required to review evidence-based guidelines prepared by medical organizations including a statewide medical association that represents Indiana physicians.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** The bill would require the ISDH to adopt rules after reviewing evidence-based guidelines. The promulgation of rules is a routine administrative function of the ISDH that should be accomplished within the current level of resources available to the agency.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** ISDH.

**Local Agencies Affected:**

**Information Sources:** IC 1-1-4-3, Indiana Uniform Determination of Death Act; ISMA Resolution 10-01, “Statewide Guidelines for the Establishment of Pediatric Brain Death” at: <http://isma.websitetoolbox.com/post?id=4843655> ; and ISMA Resolution 09-01, “Proposed Guidelines for Brain Death Determination in the State of Indiana, Adult Diagnostic Criteria - Patients above 18 Years of Age” at: <http://www.ismanet.org/pdf/convention/AllRes.pdf>

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